

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6197

BILL NUMBER: HB 1070

NOTE PREPARED: Nov 21, 2011

BILL AMENDED:

SUBJECT: Determination of death.

FIRST AUTHOR: Rep. Bacon

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill requires the Indiana State Department of Health (ISDH) to adopt rules establishing criteria for the determination of when a prospective anatomical gift donor is dead.

The bill also provides that an anatomical gift may be recovered only after a physician, in accordance with accepted medical standards, has declared the prospective donor to be dead. It provides that a physician's declaration that the prospective donor is brain dead satisfies this requirement.

Effective Date: July 1, 2012.

Explanation of State Expenditures: The bill would require the ISDH to adopt rules after reviewing evidence-based guidelines. The promulgation of rules is a routine administrative function of the ISDH that should be accomplished within the current level of resources available to the agency.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: ISDH.

Local Agencies Affected:

Information Sources: IC 1-1-4-3, Indiana Uniform Determination of Death Act; ISMA Resolution 10-01, “Statewide Guidelines for the Establishment of Pediatric Brain Death” at: <http://isma.websitetoolbox.com/post?id=4843655> ; and ISMA Resolution 09-01, “Proposed Guidelines for Brain Death Determination in the State of Indiana, Adult Diagnostic Criteria - Patients above 18 Years of Age” at: <http://www.ismanet.org/pdf/convention/AllRes.pdf>

Fiscal Analyst: Kathy Norris, 317-234-1360.